

**THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Please Add new claim 70.**

**Please cancel claim 56 without prejudice or disclaimer.**

**Please amend claims 41-45, 47, 53-55 and 57-62, as follows:**

1. (Previously Presented) A device for receiving and playing a multimedia file streamed from a multimedia server over a wireless telecommunications network, comprising:

a microprocessor for controlling the operation of the device;

a transceiver operatively connected to the microprocessor for receiving successive blocks of data from the streamed multimedia file over the wireless telecommunication network, wherein blocks of data are received at an initial data transfer rate which is reduced upon receipt of a predetermined amount of data;

a buffer operatively connected to the microprocessor for temporarily storing the received blocks of data from the streamed multimedia file, wherein the temporarily stored blocks of data are processed without storing the received blocks of data in a long term memory medium; and

an output operatively connected to the microprocessor for playing the processed successive blocks of data from the streamed multimedia file, wherein the processed, successive blocks of data are deleted by the device following playback.

2. (Previously Presented) The device according to claim 1, wherein the blocks of the multimedia file are received in a digitized and compressed format, transmitted at a first transmission rate until an initial threshold of blocks are received and subsequent blocks are

transmitted at a second lower transmission rate.

3. (Original) The device according to claim 2, wherein the microprocessor is programmed to decode and decompress the blocks of data prior to playing through the output.

4. (Previously Presented) The device according to claim 3, further comprising a non-volatile memory operatively connected to the microprocessor for storing the decoding and decompression program, said memory is configured to store a program for transmitting a signal to a streaming device when a number of data blocks corresponding to a predetermined initial minimum threshold of data blocks have been received.

5. (Original) The device according to claim 1, further comprising a memory operatively connected to the microprocessor for storing the received blocks of data from the multimedia file for subsequent playback through the output.

6. (Previously Presented) The device according to claim 4, further comprising a visual display operatively connected to the microprocessor for displaying a the name of the streamed multimedia file stored in the memory.

7. (Original) The device according to claim 5, further comprising a user control panel operatively connected to a microprocessor to signal the microprocessor to play the blocks of data from the multimedia file that are stored in the memory.

8. (Original) The device according to claim 1, wherein the multimedia file is a digital audio file.

9. (Original) The device according to claim 1, wherein the multimedia file is a

digital video file.

10. (Original) The device according to claim 1, wherein the output is an audio speaker.

11. (Original) The device according to claim 1, wherein the output is a receptacle for operatively connecting the device to an audio speaker.

12. (Original) The device according to claim 1, wherein the output is a visual display.

13. (Original) The device according to claim 1, wherein the blocks of data are received from the wireless telecommunications network at a first transmission rate until a minimum threshold level of data is stored in the buffer and at a second transmission rate after the minimum threshold level of data is stored in the buffer, wherein the first transmission rate is higher than the second transmission rate when the minimum threshold level of data is stored in the buffer.

14. (Previously Presented) The device according to claim 13, wherein the microprocessor monitors the size of the buffer to ensure that the data contained in the buffer does not fall below the minimum threshold level prior to receiving all of the blocks of data associated with the multimedia file.

15. (Original) The device according to claim 14, wherein the microprocessor signals the wireless telecommunications network to adjust the data transmission rate that data to the device based upon the size of the buffer.

16. (Original) The device according to claim 14, wherein the microprocessor signals the wireless telecommunications network to increase the data transmission rate to the device when the size of the buffer falls beneath the minimum threshold level.

17. (Original) The device according to claim 1, wherein the device is portable and comprises a battery for powering the device.

18. (Original) The device according to claim 1, wherein the device is adapted to transmit payment information over the wireless network to the multimedia server before the multimedia file is streamed to the device.

19. (Original) The device according to claim 1, wherein a user of the device is billed each time a multimedia file is streamed to the device.

20. (Previously Presented) A system for streaming a multimedia file over a wireless telecommunications network to a wireless device, comprising:

a multimedia server operatively connected to the wireless telecommunications network, the multimedia server including a database for storing the multimedia file and adapted to stream successive blocks of data from the multimedia file over the wireless telecommunications network in a digitized and compressed format; and

a wireless device operatively connected to the wireless telecommunications network for receiving and playing the streamed multimedia file, the wireless device comprising:

a microprocessor for controlling the operation of the wireless device;

a transceiver operatively connected to the microprocessor for receiving the successive blocks of data streamed over the wireless telecommunications network, wherein blocks of data are received at an initial data transfer rate which is reduces upon receipt of a predetermined amount of data;

a buffer operatively connected to the microprocessor for temporarily storing the received blocks of data from the streamed multimedia file, wherein the temporarily stored blocks of data are processed without storing the received blocks of data in a long term memory medium; and

an output operatively connected to the microprocessor for playing the successive blocks of data from the streamed multimedia file, wherein the microprocessor is programmed to decode and decompress the blocks of data prior to playing through the output, and the decoded and decompressed blocks of data are deleted by the device following playback.

21. (Previously Presented) The system according to claim 20, wherein the wireless device further comprises a non-volatile memory operatively connected to the microprocessor for storing the decoding and decompression program, said memory is configured to store a program for transmitting a signal to a streaming device when a number of data blocks corresponding to a predetermined initial minimum threshold of data blocks have been received.

22. (Original) The system according to claim 20, wherein the wireless device further comprises a memory operatively connected to the microprocessor for storing the received blocks of data from the multimedia file for subsequent playback through the output.

23. (Previously Presented) The system according to claim 22, wherein the wireless device further comprises a visual display operatively connected to the microprocessor for displaying the name of the streamed multimedia file stored in the memory.

24. (Original) The system according to claim 22, wherein the wireless device further comprises a user control panel operatively connected to the microprocessor to signal the microprocessor to play the blocks of data from the multimedia file that are stored in the memory.

25. (Original) The system according to claim 20, wherein the multimedia file is a digital audio file.

26. (Original) The system according to claim 20, wherein the multimedia file is a digital video file.

27. (Original) The system according to claim 20, wherein the output is an audio speaker.

28. (Original) The system according to claim 20, wherein the output is a receptacle for operatively connecting the device to an audio speaker.

29. (Original) The system according to claim 20, wherein the output is a visual display.

30. (Original) The system according to claim 20, wherein the blocks of data are received from the wireless telecommunications network at a first transmission rate until a minimum threshold level of data is stored in the buffer and at a second transmission rate after the minimum threshold level of data is stored in the buffer, the first transmission rate being higher than the second transmission rate when at least the minimum threshold level of data is stored in the buffer.

31. (Previously Presented) The system according to claim 30, wherein the microprocessor monitors the size of the buffer to ensure that data contained in the buffer does not fall below a minimum threshold level prior to receiving all of the blocks of data associated with the multimedia file.

32. (Original) The system according to claim 31, wherein the microprocessor signals the wireless telecommunications network to adjust the rate that data is transmitted to the wireless device based upon the size of the buffer.

33. (Original) The system according to claim 31, wherein the microprocessor signals the wireless telecommunications network to increase the rate that data is transmitted to the wireless device when the size of the buffer falls beneath the minimum threshold level.

34. (Original) The system according to claim 20, wherein the wireless device is portable and comprises a battery for powering the device.

35. (Original) The system according to claim 20, wherein the multimedia server is operatively connected to the wireless telecommunications network via the public switched telephone network.

36. (Original) The system according to claim 20, wherein the multimedia server is operatively connected to the wireless telecommunications network via the Internet.

37. (Original) The system according to claim 20, wherein payment information is communicated to the multimedia server prior to streaming the multimedia file to the wireless device.

38. (Original) The system according to claim 20, wherein a user of the device is billed each time a multimedia file is streamed to the device.

39. (Original) The system according to claim 22, wherein an authentication code must be received by the wireless device prior to playback of the received blocks of data from the multimedia file stored in the memory.

40. (Original) The system according to claim 39, wherein the authentication code is transmitted by the multimedia server over the wireless network to the wireless device.

41. (Currently Amended) A method for operating a wireless device for receiving data over a wireless network ~~streaming a multimedia file over a wireless telecommunications network to a wireless device~~, comprising:

~~storing one or more multimedia files in a multimedia server operatively connected to the wireless telecommunications network;~~

transmitting a message identifying a selected ~~selecting a desired~~ multimedia file;

~~streaming successive blocks of data from the desired multimedia file over the wireless telecommunications network in a digitized and compressed format;~~



receiving ~~[[the]]~~ successive blocks of data ~~streamed from the selected~~ multimedia file ~~over the wireless telecommunications network at a wireless device~~, wherein the successive blocks of data are received at an initial data transfer rate which is reduced upon receipt of a predetermined amount of data;

temporarily storing the received blocks of data ~~from the streamed~~ multimedia file in a buffer ~~in the wireless device~~;

decoding and decompressing the blocks of data ~~temporarily stored in the~~ buffer;

successively playing the decoded and decompressed blocks of data ~~from~~ the ~~streamed multimedia file~~ through an output in the wireless device.

42. (Currently Amended) The method according to claim 41, wherein the blocks of data are received ~~from the wireless telecommunications network~~ at a first transmission rate until a minimum threshold level of data is stored in the buffer and at a second transmission rate after the minimum threshold level of data is stored in the buffer, the first transmission rate being higher than the second transmission rate when at least the minimum threshold level of data is stored in the buffer.

43. (Currently Amended) The method according to claim 42, further comprising ~~the step of~~ monitoring the size of the buffer to ensure that the data contained in the buffer does not fall below the minimum threshold level prior to receiving all of the ~~blocks of~~ data associated with the ~~streamed~~ selected multimedia file.

44. (Currently Amended) The method according to claim ~~[[43]]~~ 41, further comprising ~~the step of adjusting~~ requesting a subsequent adjustment of the rate that data is

transmitted ~~to the wireless device over the wireless telecommunications network~~ based upon the ~~size of~~ amount of data in the buffer.

45. (Currently Amended) The method according to claim ~~[[43]]~~ 41, further comprising the step of ~~increasing~~ requesting an increase of the rate that data is transmitted ~~to the device over the wireless telecommunications network~~ when the ~~size of the~~ amount of data in the buffer falls beneath the minimum threshold level.

46. (Original) The method according to claim 41, further comprising the step of storing the received blocks of data in a memory of the wireless device for subsequent playback through the output.

47. (Currently Amended) The method according to claim 46, further comprising ~~the step of~~ displaying the name of the ~~streamed~~ selected multimedia file stored in the memory ~~of the wireless device~~ and ~~selecting~~ playing the multimedia file ~~stored in the memory for playback~~ through the output ~~of the wireless device~~.

48. (Original) The method according to claim 41, wherein the multimedia file is a digital audio file.

49. (Original) The method according to claim 41, wherein the multimedia file is a digital video file.

50. (Original) The method according to claim 41, wherein the output is an audio speaker.

51. (Original) The method according to claim 41, wherein the output is a

receptacle for operatively connecting the device to an audio speaker.

52. (Original) The method according to claim 41, wherein the output is a visual display.

53. (Currently Amended) The method according to claim 41, ~~wherein the~~ further comprising selecting a multimedia file from a multimedia server ~~[[is]]~~ operatively connected to the wireless telecommunications network via the public switched telephone network.

54. (Currently Amended) The method according to claim 41, ~~wherein the~~ further comprising selecting a multimedia file from a multimedia server ~~[[is]]~~ operatively connected to the wireless telecommunications network via the Internet.

55. (Currently Amended) The method according to claim 41, further comprising ~~the step of providing the multimedia server with~~ transmitting payment information before the ~~desired~~ selected multimedia file is ~~streamed to the~~ received by the wireless device.

56. (Canceled)

57. (Currently Amended) The method according to claim 41, further comprising the step of receiving a billing indication ~~a user of the device each time a~~ prior to receipt of the selected multimedia file ~~is streamed to the device~~.

58. (Currently Amended) The method according to claim 57, further comprising the steps of:

~~identifying an~~ transmitting data associated with a device user account ~~associated with the user of the device; and~~

receiving an indication that debiting the device user account has been debited a predetermined amount ~~for use of the multimedia file~~.

59. (Currently Amended) The method according to claim 46, further comprising the step of ~~providing the wireless device with~~ receiving an authentication code prior to playback of the received blocks of data ~~from the multimedia file~~ stored in the memory.

60. (Currently Amended) The method according to claim 59, wherein the authentication code is ~~transmitted to the wireless device upon~~ received after receipt a transmission of payment information from ~~a user of~~ the device.

61. (Currently Amended) The method according to claim 59, wherein the authentication code is received by the wireless device ~~transmitted by the multimedia server~~ over the wireless network ~~to the wireless device~~.

62. (Currently Amended) The method according to claim 61, wherein, prior to the wireless device receiving ~~to transmitting~~ the authentication code ~~to the wireless device~~, an account associated with a user of the device is identified and debited ~~a predetermined amount for use of the multimedia file~~.

63. (Previously Presented) The device according to the claim 1, wherein the transceiver is a wideband transceiver operatively connected to an antenna and the microprocessor.

64. (Previously Presented) The device according to claim 1, wherein the microprocessor is configured to manage power consumption of device components.

65. (Previously Presented) The device according to claim 7, wherein the microprocessor is configured to establish a connection with the wireless telecommunication network and display a listing of at least one multimedia file server connected to the wireless telecommunication network on the visual display.

66. (Previously Presented) The device according to claim 65, wherein the displayed listing of at least one multimedia file server includes a remote multimedia file server and a file stored on said remote multimedia file server.

67. (Previously Presented) The device according to claim 65, wherein the displayed listing of at least one multimedia file server includes a central multimedia file server with links to at least one remote multimedia file server and a multimedia file stored on the remote multimedia file server.

68. (Previously Presented) The device according to claim 65, wherein the microprocessor is configured to receive a signal from the user control corresponding to a user selected displayed multimedia file server.

69. (Previously Presented) The device according to claim 65, wherein the microprocessor is configured to create a multimedia streaming file request transmitted to a connected multimedia file server.

70. (New) The method according to claim 41, further comprising receiving a listing of available multimedia files for the wireless device.